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10/039,584	10/26/2001	James R. Buechler	5489-69021	2201
7590 Richard D. Conard Barnes & Thornburg 11 S. Meridian Street Indianapolis, IN 46204		04/06/2007	EXAMINER JEAN GILLES, JUDE	
			ART UNIT 2143	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/039,584

Applicant(s)

BUECHLER ET AL.

Examiner

Jude J. Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to communication filed on 03/20/2007.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao U.S. Patent No. 6,283,761 in view of Evans U.S. Patent No. 6,347,329 B1.

Regarding claim 1: Joao discloses the invention substantially as claimed. Joao teaches a method for a first healthcare provider to consult a second healthcare provider regarding at least one of diagnosis and treatment of a patient, the method including the first healthcare provider requesting a consultation on a machine via the internet, and the second healthcare provider submitting a consultation on a machine via the internet, (col.5, line 45- "The present invention can also be utilized to perform treatment evaluations and/or treatment monitoring so as to allow for an evaluation and/or a monitoring of treatment") wherein requesting a consultation includes consult data and submitting a consultation includes the second healthcare provider's assessment and/or diagnosis based on the consult data. ("The database 10H also includes data and/or information regarding all possible fields of medicine, surgery, psychiatry, psychology, dentistry, oral surgery, optometry, podiatry, physical therapy, respiratory therapy,

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hypnosis, osteopathy, nutrition, wellness, and/or any other possible healthcare fields and/or subject matter which can possibly be utilized in the processing and/or operation of the present invention. The database IOH contains information on illnesses, symptoms, diseases and/or sicknesses, theories, scientific theories, research data and/or information, diagnosis information, treatment information, treatment plans, treatment processes, treatment progresses, treatment interactions, side effects, expected treatment results, treatment providers, treatment durations, treatment costs, pre-treatment information, post-treatment information, treatment monitoring information, statistical information regarding diagnoses, treatments, treatment success rates, treatment failure rates, treatment centers, therapy plans, therapy success rates, therapy failure rates, treatment procedures, medication treatments, non-medication treatments, healthcare institutions, treatment evaluating criteria, treatment mistakes and/or mishaps, indicators of mistakes and/or mishaps, corrective actions, links to providers, links to treatment centers or institutions, reimbursement rates, nutrition information, diet information, exercise information, exercise routines, treatment options, healthcare advice, wellness advice, preventive care, preventive procedure, health maintenance, drug and medication information, drug interaction information, video information, including video files or clips and other information, regarding illnesses, diseases, treatments and follow-up care, audio information, including audio files or clips and other information, regarding illnesses, diseases, treatments and follow-up care, treatment and/or procedure information and/or narratives, treatment analysis, diagnosis analysis,

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diagnosis monitoring, diagnosis confirmation and/or checking, and/or other information for providing the herein-described functions, services, and/or operations.")

However, Applicant has argued in the Reply dated 03/20/2007 that Joao fails to disclose or suggest the method of amended claim 1. This is because Joao is not directed to healthcare provider-to-healthcare provider consultations. Rather, Joao is directed to a computer system wherein a database (i.e., database IOH) is used to cross-reference patient symptoms to a predetermined diagnosis and treatment. In the same field of endeavor, Evans discloses "...Healthcare providers, such as physicians, at hospitals, laboratories and clinics, generally capture and access patient data using a point of care system 100 that communicates with a patient data repository 102. Patient data, such as vital signs, x-ray images and laboratory results, resides in the patient data repository 102. The patient data repository 102 also communicates with external sources to obtain patient data, such as laboratory test results and x-ray images, and to transfer patient information, such as prescriptions for medication, from the EMR system to other healthcare providers. The point of care system 100 captures patient data in realtime at the point of care, that is, where healthcare providers interact with their patients...[see Evans, column 5, lines 2-33].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Evans' teachings wherein requesting a consultation includes consult data and submitting a consultation includes the second healthcare provider's assessment and/or diagnosis based on the consult data (emphasis added) with the teachings of Joao, for the purpose of improving the

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ability of a network "...automating, simplifying, and providing instant access to a patient's electronic medical record by authorized healthcare providers from any geographical location and allowing real time collaboration in consulting, giving diagnosis and treatment to patients" as stated by Evans in lines 27-33, and 50-63 of column 2 .

By this rationale, **claim 1** is rejected.

Regarding claim 2-63: The combination Joao-Evans teaches:

2. The method of claim 1 wherein the first healthcare provider requesting a consultation on a machine, and the second healthcare provider submitting a consultation on a machine together include the first healthcare provider requesting a consultation on a first machine, and the second healthcare provider submitting a consultation on a second machine coupled to the first machine. (see Joao; "The operation of the apparatus 100 will then cease at step 1412. In this manner, the present invention can provide for the automatic and/or for the programmed submission of healthcare claims, claim forms, claim requests, benefit requests, etc., upon the conclusion of a provider's service, consultation, treatment, procedure, and/or any other event which triggers coverage under a healthcare insurance policy and/or a payer's liability to pay for services and/or treatments.")

3. The method of claim 2 wherein the first healthcare provider requesting a consultation on a first machine, and the second healthcare provider submitting a consultation on a second machine coupled to the first machine together include the first healthcare provider requesting a consultation on a first machine, and the second healthcare provider submitting a consultation on a second machine coupled to the first machine via

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a third machine coupled to the first machine and to the second machine. (see Joao; 20, 30, 40, 50)

4. The method of claim 3 wherein the first healthcare provider requesting a consultation on a first machine, and the second healthcare provider submitting a consultation on a second machine coupled to the first machine via a third machine coupled to the first machine and to the second machine includes receiving the request for a consultation from the first machine at the third machine, storing the request for a consultation on the third machine, sending from the third

machine a communication to the second healthcare provider that the request for a consultation is awaiting action by the second healthcare provider, the second healthcare provider receiving the communication, and the second healthcare provider gaining access to the third machine to obtain the request for a consultation from the third machine. (see Joao; 1401-1406; col.39, lines 38-53 "In any and/or all of the embodiments described herein, any patient, provider, payer, user, and/or intermediary can access any one or more of the central processing computer(s) 10, the providers communication devices (20), the payer communication devices 30, the patient communication devices 40, and/or the intermediate communication devices 50, via any one or more of the said computers and/or communication devices 10, 20, 30, 40, and/or 50, as well as via any computer and/or communication device. In this manner, any of the herein-described parties can access the present invention from any computer and/or communication device. Public kiosks with links to any of the computers and/or communication devices 10, 20, 30, 40, and/or 50, can also be utilized to access and

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utilize the present invention and/or any of the computers and/or communication devices described")

5. The method of claim 4 further including the second healthcare provider requesting a consultation on the second machine, and a third healthcare provider submitting a consultation on a fourth machine coupled to the second machine. (see Joao; 1401-1406; 1407-1411)

6. The method of claim 5, wherein the second healthcare provider requesting a consultation on the second machine, and the third healthcare provider submitting a consultation on a fourth machine coupled to the second machine together include the second healthcare provider

requesting a consultation on the second machine, and the third healthcare provider submitting a consultation on the fourth machine coupled to the second machine via the third machine coupled to the fourth machine. (see Joao; col.39, lines 38-53)

7. The method of claim 6 wherein the second healthcare provider requesting a consultation on the second machine, and the third healthcare provider submitting a consultation on the fourth machine coupled to the second machine via the third machine includes receiving the request for consultation from the second machine at the third machine, storing the request for consultation on the third machine, sending from the third machine a communication to the third healthcare provider that the request for consultation is awaiting action by the third healthcare provider, the third healthcare provider receiving the communication, and the third healthcare provider gaining access

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to the third machine to obtain the request for consultation from the third machine. (see Joao; col.39, lines 38-53)

8. The method of claim 7 further including the third machine identifying the request for consultation as pending until one of the second healthcare provider and the third healthcare provider submits a consultation response. (see Joao; col.39, lines 38-53)

9. The method of claim 4 further including the third machine identifying the request for consultation as pending until the second healthcare provider submits a consultation response. (see Joao; 1407, 1411)

10. The method of claim 8 wherein one of the second healthcare provider and third healthcare provider submitting a consultation response includes sending a communication from the third machine to the first healthcare provider that the consultation response is awaiting action by the first healthcare provider. (see Joao; col.39, lines 38-53)

11. The method of claim 9 wherein the second healthcare provider submitting a consultation response includes sending from the third machine a communication to the first healthcare provider that the consultation response is awaiting action by the first healthcare provider. (see Joao; c01.39, lines 38-53)

12. The method of claim 10 further including the third machine identifying the request for consultation as fulfilled when the first healthcare provider submits an indication of acceptance of the consultation response. (see Joao; col.39, lines 38-53)

13. The method of claim 11 further including the third machine identifying the request for

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consultation as fulfilled when the first healthcare provider submits an indication of acceptance of the consultation response. (see Joao; col.39, lines 38-53)

14. The method of claim 1 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

15. The method of claim 1 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; "The database(s) 10H can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant Imaging (MRI) files, digital CAT scan files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers, intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an MRI or a CAT scan for a patient, from any location and at any time.")

16. The method of claim 1 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 10H can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

17. The method of claim 2 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

18. The method of claim 2 wherein requesting a consultation includes submitting at

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least one of still images and moving images. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays,

Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant Imaging (MRI) files, digital CAT scan files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers, intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an MRI or a CAT scan for a patient, from any location and at any time.")

19. The method of claim 2 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

20. The method of claim 3 wherein requesting a consultations includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

21. The method of claim 3 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant Imaging (MRI) files, digital CAT scan

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files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers,

intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an MRI or a CAT scan for a patient, from any location and at any time.")

22. The method of claim 3 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

23. The method of claim 4 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

24. The method of claim 4 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; see database 10 H)

25. The method of claim 4 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

26. The method of claim 5 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

27. The method of claim 5 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; see database 10 H)

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28. The method of claim 5 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

29. The method of claim 6 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

30. Method of claim 6 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; see database 10 H)

31. The method of claim 6 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

32. The method of claim 7 wherein request a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

33. The method of claim 7 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; database 10 H)

34. The method of claim 7 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

35. The method of claim 8 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

36. The method of claim 8 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; database 10 H)

37. The method of claim 8 wherein requesting a consultation includes submitting

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sounds. (see Joao; "The database(s) 10H can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

38. Tire method of claim 9 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

39. The method of claim 9 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; database 10 H)

40. The method of claim 9 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

41. The method of claim 10 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; database 10 H)

42. The method of claim 10 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant Imaging (MRI) files, digital CAT scan files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers, intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an MRI or a CAT scan for a patient, from any location and at

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any time.")

43. The method of claim 10 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 10H can also contain healthcare and/or medical video, image, and/or audio, data and/or information")

44. The method of claim 11 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

45. The method of claim 11 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant Imaging (MRI) files, digital CAT scan files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers, intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an MRI or a CAT scan for a patient, from any location and at any time.")

46. The method of claim 11 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical

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video, image, and/or audio, data.")

47. The method of claim 12 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

48. The method of claim 12 wherein requesting a consultation includes submitting at least one of still images and moving images. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant Imaging (see Joao; MRO files, digital CAT scan files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers, intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an MRI or a CAT scan for a patient; from any location and at any time.")

49. The method of claim 12 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data.")

50. The method of claim 13 wherein requesting a consultation includes submitting at least one of textual queries and textual statements. (see Joao; 1402-1405)

51. The method of claim 13 wherein requesting a consultation includes submitting at

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least one of still images and moving images. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant

Imaging (MRI) files, digital CAT scan files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers, intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an MR/or a CAT scan for a patient, from any location and at any time.")

52. The method of claim 13 wherein requesting a consultation includes submitting sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data.")

53. The method of claim 1, further comprising storing the consultation submitted by the second healthcare provider and a third healthcare provider retrieving the stored consultation with a machine. (see Joao; pc; computers)

54. The method of claim 53, wherein storing the consultation includes storing at least one of textual queries and textual statements. (see Joao; 1402-1405)

55. The method of claim 53, wherein storing the consultation includes storing at least one of still images and moving images. (see Joao; "The database(s) 1 OH can also

contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant Imaging

(MRI) files, digital CAT scan files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers, intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an MR/or a CAT scan for a patient, from any location and at any time.")

56. The method of claim 53, wherein storing a consultation includes storing sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data.")

57. The method of claim 1, further comprising storing the consultation submitted by the second healthcare provider and displaying the consultation submitted by second healthcare provider to a third healthcare provider subsequent to the storing step. (see Joao; 1401-1406; col.39, lines 38-53 "In any and/or all of the embodiments described herein, any patient, provider, payer, user, and/or intermediary can access any one or more of the central processing computer(s) 10, the providers communication devices (see Joao; 20), the payer communication devices 30, the patient communication devices 40, and/or the intermediate communication devices 50, via any one or more of

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the said computers and/or communication devices 10, 20, 30, 40, and/or 50, as well as via any computer and/or communication device. In this manner, any of the herein-described parties can access the present invention from any computer and/or communication device. Public kiosks with links to any of the computers and/or communication devices 10, 20, 30, 40, and/or 50, can also be

utilized to access and utilize the present invention and/or any of the computers and/or communication devices described")

58. The method of claim 2, further comprising storing the consultation submitted by the second healthcare provider on a third machine and a third healthcare provider retrieving the stored consultation from the third machine with a fourth machine. (see Joao; 1401-1406; col.39, lines 38-53 "In any and/or all of the embodiments described herein, any patient, provider, payer, user, and/or intermediary can access any one or more of the central processing computer(s) 10, the providers communication devices (see Joao; 20), the payer communication devices 30, the patient communication devices 40, and/or the intermediate communication devices 50, via any one or more of the said computers and/or communication devices 10, 20, 30, 40, and/or 50, as well as via any computer and/or communication device. In this manner, any of the herein-described parties can access the present invention from any computer and/or communication device. Public kiosks with links to any of the computers and/or communication devices 10, 20, 30, 40, and/or 50, can also be utilized to access and utilize the present invention and/or any of the computers and/or communication devices described")

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59. The method of claim 58, wherein the third healthcare provider retrieving the stored consultation from the third machine with a fourth machine includes the third healthcare provider selecting the stored consultation from a plurality of stored consultations. (see Joao; 1401-1406; col.39, lines 38-53 "In any and/or all of the embodiments described herein, any patient, provider, payer, user, and/or intermediary can access any one or more of the central processing computer(s) 10,

the providers communication devices (see Joao; 20), the payer communication devices 30, the patient communication devices 40, and/or the intermediate communication devices 50, via any one or more of the said computers and/or communication devices 10, 20, 30, 40, and/or 50, as well as via any computer and/or communication device. In this manner, any of the herein-described parties can access the present invention from any computer and/or communication device. Public kiosks with links to any of the computers and/or communication devices 10, 20, 30, 40, and/or 50, can also be utilized to access and utilize the present invention and/or any of the computers and/or communication devices described")

60. The method of claim 58, further comprising displaying the stored consultation to the third healthcare provider on the fourth machine. (see Joao; "The central processing computer 10 also includes a random access memory device(s) 10B (RAM) and a read only memory device(s) 10C (ROM), each of which is connected to the CPU 10A, a user input device 10D, for entering data and/or commands into the central processing computer 10, which includes any one or more of a keyboard, a scanner, a user pointing

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device, such as, for example, a mouse, a touch pad, and/or an audio input device and/or a video input device, and/or any device, electronic and/or otherwise which can be utilized for inputting and/or entering healthcare data and/or information, for example pulse rate monitors, blood pressure monitors, electrocardiograms, blood-sugars monitors, etc., if desired, which input device(s) are also connected to the CPU 10A. The central processing computer 10 also includes a display device 10E for displaying data and/or information to a user or operator.")

61. The method of claim 58, wherein the third healthcare provider retrieving the stored consultation includes a third healthcare provider retrieving at least one of textual queries and textual statements. (see Joao; 1402-1405)

62. The method of claim 58, wherein the third healthcare provider retrieving the stored consultation includes a third healthcare provider retrieving at least one of still images and moving images. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRI), CAT scans, digital x-ray files, digital Magnetic Resonant Imaging (MRI) files, digital CAT scan files, and/or any other video, imaging, and/or audio, healthcare data and/or information which can be utilized by healthcare providers, payers, intermediaries, patients, and/or other users of the present invention. In this manner, the present invention can facilitate the availability of any of the above-described video, image, and/or audio, data and/or information in a network environment. For example, a medical specialist can have access to, and/or review, an

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MRI or a CAT scan for a patient, from any location and at any time.")

63. The method of claim 58, wherein the third healthcare provider retrieving the stored consultation includes a third healthcare provider retrieving sounds. (see Joao; "The database(s) 1 OH can also contain healthcare and/or medical video, image, and/or audio, data and/or information, such as, for example, x-rays, Magnetic Resonant Images (MRO, CAT scans, digital x-ray files, digital Magnetic Resonant Imaging (MRI) files, digital CAT scan files, and/or any other video, imaging.")

3. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fumiaki US Patent No. 6,272,470 in view of Evans U.S. Patent No. 6,347,329 B1.

the combination Fumiaki-Evans teaches a method for a first healthcare provider to consult a second healthcare provider regarding at least one of diagnosis and treatment of a patient, the method including the first healthcare provider requesting a consultation on a machine via the internet, and the second healthcare provider submitting a consultation on a machine via the internet, wherein requesting a consultation includes consult data and submitting a consultation includes the second healthcare provider's assessment and/or diagnosis based on the consult data. (see Fumaki "abstract" and "summary of the invention", and Evans abstract, summary of the invention, column 5, lines 2-33). The same motivation that was used for the rejection of claim 1 with the combination Joao-Evans is also valid for Fumiaki-Evans. By this rationale, claim 1 is rejected.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8400.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-8300.

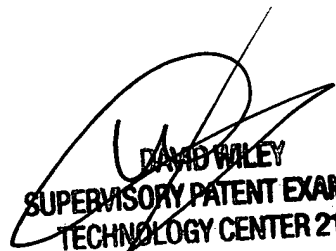
Jude Jean-Gilles

Patent Examiner

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JJG

March 31, 2007


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100